

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

KATHY M. FLOWERS,

Plaintiff,

VS.

JO ANNE B. BARNHART,  
Commissioner of Social Security  
Administration,

Defendant.

4:04CV3033

# MEMORANDUM AND ORDER

Plaintiff's counsel has filed an Application for Relief Under the Equal Access to Justice Act (filing 26); Motion for Leave to Amend Application Under the Equal Access to Justice Act (filing 29) due to mathematical errors that allegedly appeared in Plaintiff's original Application; and, now, a motion (filing 32) to further amend the Amended Application with more attachments. Due to docketing difficulties created by what has become a piecemeal Application, I shall grant Plaintiff's motion, but require Plaintiff's counsel to separately file what should be Plaintiff's final and complete Application for Relief Under the Equal Access to Justice Act. Plaintiff's counsel shall label the Application "Third Amended Application for Relief Under the Equal Access to Justice Act." The Third Amended Application should include correct and complete attachments, as no further amendments will be permitted. Plaintiff's counsel should also separately file a supporting brief with the Third Amended Application.

I shall allow Defendant time to submit a response to Plaintiff's Third Amended Application and Plaintiff time to reply.

IT IS ORDERED:

1. Plaintiff's Motion for Leave to Complete Amended Application Under the Equal Access to Justice Act (filing 32) is granted, as specified herein.
2. Plaintiff shall separately file, by **Monday, May 23, 2005**, what should be Plaintiff's final and complete Application for Relief Under the Equal Access to Justice Act. Plaintiff's counsel shall label such Application "Third Amended Application for Relief Under the Equal Access to Justice Act." The Third Amended Application should include correct and complete attachments, as no further amendments will be permitted. With Plaintiff's Third Amended Application, counsel should also separately file a supporting brief. The Clerk of the United States District Court for the District of Nebraska shall create a "response due" date of June 7, 2005, on the Third Amended Application for Relief Under the Equal Access to Justice Act once it is filed.
3. Plaintiff's (Second) Amended Application Under the Equal Access to Justice Act with appendix and exhibit (filing 29, attachments 1-3) is no longer deemed the operative Application.
4. Defendant shall submit a response to Plaintiff's Third Amended Application Under the Equal Access to Justice Act on or before **May 31, 2005**.
5. Plaintiff may reply to Defendant's response on or before **June 7, 2005**, at which time this matter shall be deemed submitted.

6. Plaintiff's Motion for Leave to Reply to Defendant's Response (filing 33) is denied as moot.

DATED this 16<sup>th</sup> day of May, 2005.

BY THE COURT:  
s/Richard G. Kopf  
United States District Judge